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Attorneys for Defendant
SHOE SHOW, INC.

[Plaintiff's counsel on signature page]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

VALERIE BROOKS, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

SHOE SHOW, INC. d/b/a SHOE SHOW
MEGA, a North Carolina
corporation; and DOES 1 to 10,
inclusive,

Defendant.

Case No.: 2:21-cv-00155-JAM-JDP

**JOINT STIPULATION AND ORDER TO
CONTINUE INITIAL DISCOVERY
DEADLINES**

Complaint Filed: Jan. 26, 2021

Motion to Dismiss Filed:
February 24, 2021

Judge: Hon. John A. Mendez
Hearing on Motion to Dismiss:
April 6, 2021
Time: 1:30 p.m. Pacific Time
Courtroom: 6, 14th floor

1 Plaintiff Valerie Brooks ("Plaintiff") and Defendant Shoe Show,
2 Inc. ("Shoe Show") respectfully submit this joint stipulation to
3 postpone the parties' Rule 26(f) conference and joint status report,
4 as well as any Initial Case Management Conference ("CMC") and
5 scheduling order, until after Shoe Show's pending Motion to Dismiss
6 is resolved.

7 WHEREAS, on January 26, 2021, Plaintiff filed her Complaint (ECF
8 1);

9 WHEREAS, on January 27, 2021, this Court issued a discovery
10 order (the "Order") directing the parties to confer pursuant to
11 Federal Rule of Civil Procedure ("FRCP") 26(f), and to submit a joint
12 status report that includes the FRCP 26(f) discovery plan, on or
13 before April 5, 2021 (ECF 4 ¶ 4, ECF 5; see FRCP 6(a)(1)(C));

14 WHEREAS, the Order further contemplates that, upon its review of
15 the parties' joint status report, the Court will issue a scheduling
16 order or set a CMC (ECF 4 ¶ 5);

17 WHEREAS, on February 24, 2021, Shoe Show filed a Motion to
18 Dismiss the Complaint pursuant to FRCP 12(b)(2) or, alternatively,
19 pursuant to FRCP 12(b)(1) and 12(b)(6) (ECF 10);

20 WHEREAS, Shoe Show's Motion to Dismiss is presently noticed for
21 an April 6, 2021 hearing (*see id.*);

22 WHEREAS, this Court's decision on Shoe Show's Motion to Dismiss
23 may affect the scope of Plaintiff's case and the parties' discovery;

24 WHEREAS, continuing the FRCP 26(f) conference and joint status
25 report will promote efficiency and conserve judicial and party
26 resources by providing time for the parties to consider the Court's
27 ruling on Shoe Show's Motion to Dismiss, and the implications of that
28 ruling on the scope and nature of Plaintiff's case, in connection

1 with preparing the materials antecedent to a CMC and/or scheduling
2 order;

3 WHEREAS, this stipulation is made without prejudice to the
4 parties requesting a further continuance of the FRCP 26(f)
5 conference, joint status report, and any CMC, for good cause shown;

6 WHEREAS, the parties propose to continue the operative deadline
7 for the parties to confer pursuant to Rule 26(f), the operative
8 deadline for the parties to submit a joint status report containing
9 the Rule 26(f) discovery plan, and the issuance of any scheduling
10 order or setting of a CMC by this Court.

11 NOW, THEREFORE, THE PARTIES BY COUNSEL HEREBY STIPULATE AND
12 PROPOSE as follows:

- 13 1. The parties' deadline to confer pursuant to FRCP 26(f)
14 shall be continued to 60 calendar days following the
15 resolution of Shoe Show's Motion to Dismiss, or pending
16 further order of the Court.
- 17 2. The parties' deadline to submit a joint status report shall
18 also be continued to 75 calendar days following the
19 resolution of Shoe Show's Motion to Dismiss, or pending
20 further order of the Court.
- 21 3. Any and all discovery-related obligations, such as service
22 of initial disclosures pursuant to FRCP 26(a), shall be
23 suspended pending resolution of Shoe Show's Motion to
24 Dismiss, and pending further order of the Court.

Dated: March 18, 2021

Respectfully submitted,

COVINGTON & BURLING LLP

By: /s/ Simon J. Frankel
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By: /s/ Thiago Merlini Coelho (as
authorized on March 17, 2021)
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PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, THE COURT
ORDERS AS FOLLOWS:

1. The parties' deadline to confer pursuant to Federal Rule of Civil Procedure 26(f) is hereby reset, from April 5, 2021, to within 60 calendar days of a ruling on Shoe Show's pending Motion to Dismiss (ECF 10), or further order of the Court;

2. The parties' deadline to submit a joint status report pursuant to Rule 26(f) is hereby reset, from April 5, 2021, to within 75 calendar days of a ruling on Shoe Show's pending Motion to Dismiss (ECF 10), or further order of the Court;

3. Any and all discovery-related obligations, such as service of initial disclosures pursuant to FRCP 26(a), are hereby suspended pending resolution of Shoe Show's Motion to Dismiss, and further order of the Court; and

4. An initial case management conference shall be rescheduled, and a scheduling order may issue, once the parties confer pursuant to Rule 26(f) and submit a joint status report under the terms of paragraphs 1 and 2 of this Order.

DATED: March 18, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

UNITES STATES DISTRICT COURT JUDGE